

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0462-02
Bill No.: HB 402
Subject: Family Law; Domestic Relations; Courts
Type: Original
Date: February 18, 2013

Bill Summary: This proposal establishes family intervention orders for the treatment of persons who abuse chemical substances.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Unknown, up to \$2,415,162)	(Unknown, up to \$2,349,161)	(Unknown, up to \$2,351,393)
Total Estimated Net Effect on General Revenue Fund	(Unknown, up to \$2,415,162)	(Unknown, up to \$2,349,161)	(Unknown, up to \$2,351,393)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 12 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Federal Funds *			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenditures net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	2.7	2.7	2.7
Federal	1.3	1.3	1.3
Total Estimated Net Effect on FTE	4	4	4

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state in section 210.145.2 subsection (2), this proposal adds that all reports made to the child abuse and neglect hotline shall include an inquiry of the reporter about whether chemical substance abuse is present. If chemical substance abuse is a factor and the reporter is a family member of the alleged abuser, the division is required to inform the reporter about how to obtain a family intervention order under the new sections 455.100 to 455.155 of this proposal.

This proposal will require modification to the Child Abuse or Neglect Hotline Protocol. Currently, if a call is received at the hotline and substance abuse is a factor, structured interviewing would lead the call to a line of structured questions that would address substance abuse and its relationship to the allegation of child abuse or neglect. The protocol would need to be revised to determine on every call to the hotline: 1) if chemical substance abuse is a factor and if so, 2) is the reporter a family member of the person who is the chemical substance abuser. Once the criterion is established, scripted instructions would need to be provided to the hotline worker to read to the caller.

Child abuse and neglect hotline workers field about 138,000 calls per year, handled by 47 workers. This is an average of about 20 minutes per call. The CD estimates the questions added to every call in order to determine if substance abuse is a factor, the caller's relationship to the abuser and, when appropriate, scripted instructions to file a family intervention order, will add approximately 3 minutes to each call. This is an increase of 414,000 minutes (138,000 calls x 3 minutes) of time required on calls. 414,000 minutes divided by 60 minutes = 6,900 additional hours. 6,900 hours divided by 2,080 hours per FTE = 3.3 additional staff needed. The Division would require an additional 4 FTE to take calls.

§ 455.150 - Family Intervention Order Literature:

Subject to appropriations, DSS, in consultation with the courts, shall develop and make available literature regarding family intervention orders. Such literature shall be made available at all state government offices, domestic violence courts, and law enforcement offices. Upon request, such literature shall be provided to twelve-step programs, practicing psychologists and psychiatrists, and other organizations.

In August of 2012, the CD spent approximately \$1,184 on the printing of 10,000 brochures for Safe Place for Newborns, which are made available in local offices and at the request of professionals. The Division would anticipate at least 5 times this cost (approximately \$5,920) in order to supply material at all state government offices, domestic violence courts, and law enforcement offices.

ASSUMPTION (continued)

Also, subject to appropriations, DSS shall implement a public awareness media campaign to inform the public on the availability of family intervention orders. Such media campaign shall include, but not be limited to, direct advertising in newspapers, and on television, radio, and the internet.

A recent media campaign to recruit foster and adoptive parents cost the CD \$52,870, which consisted of television spots in limited markets. The Division would anticipate the need for a larger appropriation in order to expand this type of media campaign to include not only television spots, but direct advertising in newspapers, radio, and the internet.

The CD assumes a federal/state match of approximately 32.5% Federal/67.5% State (General Revenue). FY 14 costs are estimated to be \$260,309 (\$84,704 Federal/\$175,604 GR); FY 15 costs of \$276,801 (\$90,071 Federal/\$186,730 GR); and FY 16 costs of \$280,333 (\$91,220 Federal/\$189,113 GR).

Oversight assumes the DSS-CD does not need additional rental space for three (3) FTE.

Officials from the **DSS - Family Support Division (FSD)** provide the following information:

§ 455.135 - Loans for Treatment of Chemical Substance Abuse

This section requires the DSS to utilize one percent (1%) of temporary assistance for needy families (TANF) funds to provide loans, at six percent (6%) interest, for individuals who enter chemical substance abuse treatment and who are uninsured or do not have available financial resources to pay for such treatment. The loan shall not exceed the cost of such treatment.

The TANF block grant for federal fiscal year 2012 was \$217 million. One percent of these funds, or \$2.17 million, would be utilized for loans under this section. All TANF block grant and state maintenance of effort (MOE) funds must be spent on one of the four purposes of the TANF program:

1. To provide assistance to needy families;
2. To end dependence of needy parents by promoting job preparation, work and marriage;
3. To prevent and reduce out-of-wedlock pregnancies; and,
4. To encourage the formation and maintenance of two-parent families.

ASSUMPTION (continued)

TANF funds could be spent to provide loans for chemical substance abuse treatment as required by this section, so long as such loans meet one of these purposes. The loans would have to be based on income criteria set by the DSS. Federal law (42 USC 608(a)(6)) does not allow the TANF/MOE funds to be used to provide medical services. Therefore, the loans could not be used to pay for medical treatment relating to outpatient or inpatient treatment, including counseling, but could be used to pay for room and board in an inpatient treatment facility. All loans that are repaid, including interest payments, must be reinvested and used for one of the four purposes of TANF.

The FSD is unable to determine how many loans may be requested or approved per year. The FSD is also unable to determine the average amount per loan.

Since TANF funds are currently 100% obligated through the budget process to existing programs, any funds diverted to these loans would need to be replaced by General Revenue funds. Therefore, the impact for this section is unknown, up to \$2.17 million.

Subsection 4 of this section requires the DSS to file a report with the general assembly each February 1, beginning with February 1, 2014, which details any loans provided under this section as well as county statistical information regarding family intervention orders. The FSD assumes existing Central Office staff would be able to complete any tasks necessary for the completion of this report.

§ 455.150 - Family Intervention Order Literature:

This section requires the DSS to develop and make available literature regarding family intervention orders. Such literature shall be available in all state government offices, domestic violence courts, and law enforcement offices and be available on request to other organizations. Subject to appropriation, the DSS shall implement a media awareness campaign on the availability of family intervention orders. The FSD assumes that the Children's Division will develop the written literature and implement the media awareness campaign.

Officials from the **DSS - Division of Legal Services (DLS)** state the impact to DLS would be determined by the actual effect the enactment of this proposal would have on the caseload of the Children's Division (CD). It is assumed that the majority of family intervention orders sought would have some involvement with a child or children. In instances where a child may be impacted by a family intervention order, it is likely the Court would seek the services of the CD to investigate the family situation, as many Courts currently do in instances of Child Protection

ASSUMPTION (continued)

Orders. If CD is asked to investigate the family situation when family intervention orders are sought, it would likely dramatically increase caseworkers' caseloads, and in turn, increase the amount of referrals DSL would receive from CD for legal assistance.

The fiscal impact of this proposal on the DLS is unknown, since it is unknown what the fiscal impact will be to the CD. As to the overall fiscal impact of this proposal on DSS, DLS defers to each of the relevant divisions of the department as to their analysis of fiscal impact.

Based on the Children's Division response, **Oversight** assumes the DLS will be able to absorb the potential increase in referrals from the CD with existing resources. However, if there would be a significant increase in referrals, the DLS could request additional funding through the appropriations process.

Officials from the **Office of Administration - Information Technology Services Division (ITSD) - DSS** state the Family and Children's Electronic System (FACES) would need to modify the questions on the Child Abuse and Neglect (CA/N) Protocols screens to specifically ask about chemical substance abuse and inquire whether the reporter is a family member. If both conditions are met, FACES would add instructions at the CA/N closure screen on how to obtain a family intervention order.

FACES would need to change three (3) modules for this proposal. It is estimated all changes will be made by ITSD staff at the current average rate of \$63.04 per hour; it is estimated it will take 240 hours to complete the changes; and, the federal/state match rate for FACES is 50% Federal/50% General Revenue. One-time costs are estimated to be \$15,130 (\$63.04/hour X 240 hours); \$7,565 Federal/\$7,565 General Revenue.

Officials from the **Department of Health and Senior Services (DHSS)** state sections 198.070 and 660.255 of the proposed legislation require inquiry of the reporter regarding chemical substance abuse and whether it is a factor in the reported abuse when a report is taken by the abuse and neglect hotline. Capture of this data will require an enhancement to the computerized reporting system and training for intake and investigative staff.

Computer System Enhancement

The Division of Senior and Disability Services (DSDS) will be required to create and implement a system enhancement for the current reporting system. Based on recent enhancement releases, DSDS estimates the cost of this change at approximately \$66,000. Any routine maintenance would be absorbed by DSDS.

ASSUMPTION (continued)

Training of Staff

There are currently 19 Hotline staff who complete the initial intake of hotline reports for abuse, neglect, and financial exploitation; 261 Adult Protective Services (APS) staff who work in the field performing investigations of alleged abuse, neglect, and financial exploitation; and approximately 20 staff in the central office who handle constituent complaints and inquiries, develop and interpret policy, and perform data extraction and analysis from this computer system. Total staff equals 300 (19 + 261 + 20).

DSDS estimates that all of these individuals would need training on the new requirements and the computer system enhancements. Based on averages for other trainings of this nature, DSDS estimates the cost at \$250 per person. The total cost of training would be \$75,000 (300 staff X \$250) for the first year. For subsequent years, DSDS estimates approximately 30 individuals would be trained annually. This training would be incorporated into the regular training for APS staff and the cost absorbed by DSDS.

This fiscal estimate was calculated based on a 48.35% General Revenue/51.65% Federal split. Federal expenses would be offset by a drawdown of Federal funding.

Officials from the **Boone County Sheriff's Department (Sheriff's Department)** state their agency will incur additional costs due to serving the intervention orders. There is no fee collected by law enforcement for serving orders of protection and there is no fee included in the language of this proposal to provide reimbursement to the department. Since there is no funding mechanism to offset the costs involved in providing this service (unfunded mandate), the Sheriff's Department will experience losses equal to the number of intervention orders that must be served. The losses will relate to fuel and time expenses related to the service, but are unknown at this time.

Oversight assumes the Sheriff's Department will be able to absorb the additional costs associated with serving the intervention orders.

Officials from the **Office of State Courts Administrator (CTS)** state the proposed legislation would establish family intervention orders for the treatment of people who abuse chemical substances.

Since the legislation is permissive, the CTS has no way of knowing how many interventions would occur. Any significant increase in workload will be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the **Department of Mental Health (DMH)** assume the referrals from the court ordered process will be self-funded by those referred to treatment either through health insurance, personal financial resources, or from the loan fund established by this legislation within the Department of Social Services. Therefore, the proposal has no fiscal impact on the DMH.

Officials from the **Office of Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs. However, it is also recognized that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **St. Louis Family Court** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Costs - DHSS-DSDS</u>			
Computer system enhancements and staff training (§ 198.070 and § 660.255)	(\$68,174)	\$0	\$0
<u>Costs - OA-ITSD-DSS</u>			
Computer programming costs (§ 198.070.5 and § 210.145.2.2)	(\$7,565)	\$0	\$0
<u>Costs - DSS-FSD</u>			
Replacement of block grant moneys diverted to loan program (§ 455.135)	(Unknown, up to \$2,170,000)	(Unknown, up to \$2,170,000)	(Unknown, up to \$2,170,000)
<u>Costs - DSS-CD (§ 210.145.2)</u>			
Personal service	(\$73,961)	(\$89,676)	(\$90,573)
Fringe benefits	(\$37,531)	(\$45,506)	(\$45,961)
Equipment and expense	(\$18,271)	(\$3,526)	(\$3,597)
Media campaign costs	<u>(\$39,660)</u>	<u>(\$40,453)</u>	<u>(\$41,262)</u>
<u>Total Costs - DSS-CD</u>	<u>(\$169,423)</u>	<u>(\$179,161)</u>	<u>(\$181,393)</u>
FTE Change - DSS-CD	2.7 FTE	2.7 FTE	2.7 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown, up to \$2,415,162)</u>	<u>(Unknown, up to \$2,349,161)</u>	<u>(Unknown, up to \$2,351,393)</u>
Estimated Net FTE Change for the General Revenue Fund	2.7 FTE	2.7 FTE	2.7 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
FEDERAL FUNDS			
<u>Income - DHSS-DSDS</u>			
Increase in Federal drawdown (§§198.070 and 660.255)	\$72,827	\$0	\$0
<u>Income - OA-ITSD-DSS</u>			
Increase in program reimbursements	\$7,565		
<u>Income - DSS-CD</u>			
Increase in program reimbursements	\$81,723	\$86,420	\$87,497
<u>Costs - DHSS-DSDS</u>			
Increase in federally funded program costs (§§198.070 and 660.255)	(\$72,827)	\$0	\$0
<u>Costs - OA-ITSD-DSS</u>			
Increase in program expenditures	(\$7,565)	\$0	\$0
<u>Costs - DSS-CD</u>			
Personal service	(\$35,676)	(\$43,256)	(\$43,689)
Fringe benefits	(\$18,104)	(\$21,950)	(\$22,170)
Equipment and expense	(\$8,813)	(\$1,701)	(\$1,735)
Media campaign costs	<u>(\$19,130)</u>	<u>(\$19,513)</u>	<u>(\$19,903)</u>
<u>Total Costs - DSS-CD</u>	<u>(\$81,723)</u>	<u>(\$86,420)</u>	<u>(\$87,497)</u>
FTE Change - DSS-CD	1.3 FTE	1.3 FTE	1.3 FTE
ESTIMATED NET EFFECT ON FEDERAL FUNDS	\$0	\$0	\$0
Estimated Net FTE Change on Federal Funds	1.3 FTE	1.3 FTE	1.3 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal establishes family intervention orders for the treatment of persons who abuse chemical substances. In its main provisions, the proposal: (1) Requires all reports of abuse or neglect of a child; abuse of a convalescent, nursing, or boarding home resident; or any report of an eligible adult that presents a likelihood of suffering serious physical harm and in need of protective services to include an inquiry of the reporter whether chemical substance abuse may be present. If the reporter is a family member of the alleged abuser he or she must be informed on how to obtain a family intervention order if chemical substance abuse may be a factor; (2) Requires the Department of Social Services to obtain any necessary waivers to utilize 1% of any Temporary Assistance for Needy Families funds to provide loans at 6% annual interest for individuals who enter chemical substance abuse treatment and who are uninsured or do not have available financial resources to pay for treatment. The loan must not exceed the cost of the chemical substance abuse treatment; (3) Requires the department to file, beginning February 1, 2014, and by every February 1 thereafter, a report with the General Assembly that includes a summary detailing any loans provided under these provisions and statistical information by county regarding family intervention orders; (4) Requires the department, subject to appropriations, in consultation with the courts, to develop and make available literature regarding family intervention orders. The literature must be available at all state government offices, domestic violence courts, and law enforcement offices and provided on request to 12-step programs, practicing psychologists and psychiatrists, and other organizations; and (5) Requires the department, subject to appropriations, to implement a public awareness media campaign to inform the public on the availability of family intervention orders.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -
 Information Technology Services Division/Department of Social Services
Office of State Courts Administrator
Department of Social Services -
 Children's Division
 Division of Legal Services
 Family Services Division
Joint Committee on Administrative Rules

SOURCES OF INFORMATION (continued)

Office of Prosecution Services
Office of Secretary of State
Boone County Sheriff's Department

A handwritten signature in black ink, appearing to read "Ross Strope".

Ross Strope
Acting Director
February 18, 2013